

1 Michael J. McQuaid, Esq.
(Bar No. 95871)
2 W. George Wailes, Esq.
(Bar No. 100435)
3 Jeremy A. Burns, Esq.
(Bar No. 239917)
4 CARR, MCCLELLAN, INGERSOLL,
THOMPSON & HORN
5 Professional Law Corporation
216 Park Road
6 P.O. Box 513
Burlingame, CA 94011-0513
7 Telephone: (650) 342-9600
Facsimile: (650) 342-7685
8 jburns@carr-mcclellan.com

9 Attorneys for Judgment Creditor
JANINA M. ELDER, TRUSTEE

10 UNITED STATES BANKRUPTCY COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13 In re:
14 SAND HILL CAPITAL PARTNERS III,
LLC, a California limited liability company,
15 Debtor.

Chapter 7

No. 08-30989 TC

17 JANINA M. ELDER, Trustee of the
18 Bankruptcy Estate of Sand Hill Capital
Partners III, LLC, a California limited
19 liability company, Debtor,

20 Plaintiff,

21 vs.

22 GARY THORNHILL, an individual,
23 Defendant.

Adv. Pro. No. 09-03109 TC

DECLARATION OF JEREMY A. BURNS IN
SUPPORT OF MEMORANDUM OF POINTS
AND AUTHORITIES IN SUPPORT OF
TRUSTEE'S APPLICATION FOR ORDER
OF EXAMINATION AND WRITTEN
DISCOVERY PURSUANT TO FEDERAL
RULE OF CIVIL PROCEDURE 69

24 I, Jeremy A. Burns, declare:

25 1. I am a attorney with Carr, McClellan, Ingersoll, Thompson & Horn Professional
26 Corporation, attorneys of record for Plaintiff and Judgment Creditor Janina M. Elder, Trustee
27 ("Trustee").

28 2. Trustee is the duly appointed, qualified and acting Trustee of the bankruptcy

26630-00016\iManage\3182271.1

JAB DECL ISO APP. FOR OEX & WRITTEN
DISCOVERY

1 estate of Sand Hill Capital Partners III, LLC, Debtor.

2 3. On February 10, 2010, a judgment in the amount of \$700,000 ("Judgment") was
3 entered in favor of Trustee against Defendant Gary Thornhill ("Thornhill"). I attach as **Exhibit 1**
4 a copy of the Judgment.

5 4. The judgment against Thornhill has not been paid, satisfied, vacated, reversed or
6 barred by the statute of limitation.

7 5. I attach as **Exhibit 2** a copy of proposed requests for production of documents to
8 Thornhill. I also attach as **Exhibit 3** a copy of proposed interrogatories for Mr. Thornhill.

9 6. I certify that under California law that the attached set of interrogatories contains
10 a total of 151 specially prepared interrogatories propounded to Thornhill. These interrogatories
11 exceed the total number of Interrogatories permitted by section 2030.030 of the Code of Civil
12 Procedure. I am familiar with the issues in this case. The number of interrogatories propounded
13 is warranted under section 2030.040 of the Code of Civil Procedure because of the complexity
14 and quantity of the judgment debtor's finances.

15 I declare under penalty of perjury under the laws of the United States that the foregoing is
16 true and correct.

17 Dated: April 19, 2010

18 

19 _____
20 Jeremy A. Burns
21
22
23
24
25
26
27
28